IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 34883 of 2004(C)

AGAINST THE ORDER DATED 23/07/02 IN EP.NO.107/2003 IN ARC.1175/2002 of MUNSIFF COURT, THALIPARAMBA

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PETITIONER:

I.V.PRADEEPAN, S/O.KRISHNAN,
AGED 40, KRISHNA NIVAS,
KADAMBARI, KANOOR P.O., THALIPARAMBA, KANNUR.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS:

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1. THE SECRETARY,
TALIPARAMBA CO-OPERATIVE HOUSE BUILDING SOCIETY LIMITED NO.C.340, TALIPARAMBA, KANNUR.

2. ASSISTANT REGISTRAR,
OFFICE OF THE ASST. REGISTRAR OF CO-OPERATIVE SOCIETIES(GENERAL), TALIPARAMBU, KANNUR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF ORDER DT.23.7.02 IN ARC NO.1175/02 PASSED BY THE 2ND RESPONDENT.

EXT.P2 : TRUE COPY OF THE SALE NOTICE DT.29.10.04 ISSUED BY THE 2ND RESPONDENT IN RESPECT OF THE PROPERTY MORTGATED BEFORE THE 1ST RESPONDENT.

EXT.P3 : TRUE COPY OF THE REQUEST DT. NIL MADE BY THE PETITIONER BEFORE THE 1ST RESPONDENT FOR ONE TIME SETTLEMENT.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 34883 OF 2004

Dated this the 15th day of June, 2007

JUDGMENT

In this Writ Petition under Article 227 the judgment debtor in Ext.P1 award passed by the Assistant Registrar of Co-operative Societies, in ARC No.1177 of 2002 impugns both Ext.P1 and also Ext.P2 proclamation for sale of property for recovery of a total amount of Rs.1,87,152/- on various grounds. While admitting this Writ Petition, this Court passed a detailed interim order on 01.12.04 directing the petitioner to deposit a sum of Rs.1 lakh within four weeks and that the balance could be worked out when the respondents enter appearance. Subject to that condition this court granted stay for a period of six weeks from 01.12.04. Thereafter the stay is not seen extended. One of the prayers in the Writ Petition is that the 1st respondent decree holder be directed to permit the petitioner to settle the loan by one time settlement. Even though service is complete on the respondents, they have not entered appearance before this court to resist the prayers in the Writ Petition. Probably, the issue has been settled between the parties. Even otherwise I am inclined to issue the following directions:

If the Munsiff's Court, Taliparamba which is executing the decree in ARC No.1175 of 2002 as per EP No.107 of 2003 notices that the

petitioner has made the payment of Rs.1 lakh towards the decree debt on or before 01.01.2005 as ordered by this Court, that court will consider the application to be filed by the petitioner for recording full satisfaction, provided, the same is filed within one month of the petitioner receiving a copy of this judgment. If payment of Rs.1 lakh is not made by the petitioner within the stipulated time provided by this Court, the Writ Petition will stand dismissed. If an application of recording full satisfaction is received and if it is seen that payment is made, the execution court will pass orders on that application after hearing the petitioner and the decree holder.

PIUS C. KURIAKOSE, JUDGE

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